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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 United States of America,
13 Plaintiff,
14 v.
15 David Womack,
16 Defendant.

Case No. 2:18-cr-00203-RFB-CWH
**Unopposed Motion and
ORDER to Modify Supervised
Release Conditions**

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18 Comes now, the defendant, David Womack, through his counsel, Benjamin
19 F. J. Nemec, Assistant Federal Public Defender, and hereby moves this Court to
20 modify Mr. Womack's supervised release conditions to remove No Contact
21 condition issued January 26, 2021.
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Memorandum of Points and Authorities

On December 28, 2020, Probation petitioned this Court for a summons and revocation because Mr. Womack was arrested and charged with Battery Constituting Domestic Violence. ECF No. 34. On January 26, 2021, at initial appearances, this Court imposed a No Contact condition:

You must not have any physical contact, interact, nor come within 200 feet of Ms. Hernandez, alleged victim of domestic violence without first obtaining the permission of the probation officer. You must provide the address to where Ms. Hernandez lives to the Probation Department to be programmed into GPS monitoring restriction zone. You may communicate with Ms. Hernandez via telephone or text while the state case is pending. You may petition the court for a modification to this condition if a resolution is reached.

ECF No. 40. Mr. Womack has dutifully complied with this condition, although it has posed certain difficulties in parenting his children.

On September 7, 2021, after two continuances, the prosecution in Mr. Womack's state case informed the court that no charges would be filed and the case was vacated. Exhibit A, Henderson Municipal Court Case Docket. Given the state case is not going forward, undersigned counsel expects that the pending petition will be dismissed.

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Until then, Mr. Womack requests this Court remove the pending No Contact order. Mr. Womack's Probation Officer, Kamuela Kapanui, does not oppose this request, in part because Ms. Hernadnez wants the No Contact condition lifted to make coparenting easier. The government is deferring to Probation.

DATED: September 30, 2021.

RENE L. VALLADARES
Federal Public Defender

By:

/s/ Benjamin F. J. Nemec

BENJAMIN F. J. NEMEC
Assistant Federal Public Defender
Attorney for David Womack

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 United States of America,
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6 David Womack,
7 Defendant.
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Case No. 2:18-cr-00203-RFB-CWH
**Order to Modify Conditions of
Supervised Release**

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10 Based on the Unopposed Motion to Modify Conditions of Supervised
11 Release, and good cause having been shown,

12 IT IS HEREBY ORDERED that the Motion is GRANTED.

13 IT IS HEREBY ORDERED that the No Contact condition imposed on
14 January 26, 2021 is removed.

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16 DATED: October 1, 2021.

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21 RICHARD F. BOULWARE, II
22 UNITED STATES DISTRICT JUDGE
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